

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Case No. 4:21-cr-00271-DGK-1
)
)
DAJUAN D. HUNTER,)
)
)
Defendant.)

MOTION TO SET ASIDE GUILTY PLEA

COMES NOW, defendant, Dajuan D. Hunter, by counsel, Lesley D. Smith and under Fed. R. Crim. P. Rule 11(d)(2)(B) and requests this Court allow the defendant to withdraw his plea of guilty entered on April 20, 2023. In support of this motion defendant states:

1. On November 17, 2021, an indictment was filed charging defendant with violation of 18 U.S.C. 922(g)(1) and 924(a)(2).
2. On April 20, 2023, Mr. Hunter entered a plea of guilty.
3. The preliminary presentence investigation report states that Mr. Hunter is subject to the Armed Career Criminal Act, 18 USC §924(e). Before the return of the presentence investigation report Mr. Hunter believed he was subject to only the statutory maximum of 10 years. Mr. Hunter now potentially faces a minimum of 15 years at sentencing. An advisement of the potential of the Armed Career Criminal enhancement was not discussed at the change of plea hearing.
4. Counsel for the government does not oppose Mr. Hunter's request to withdraw his plea as Mr. Hunter was not adequately advised on the mandatory minimum under Rule 11(B)(1)(I).

WHEREFORE, defendant, Dajuan D. Hunter, requests this Court allow him to withdraw his guilty plea under Rule 11(d)(2)(B), Fed. R. Crim. P.

Respectfully submitted,

/s/Lesley D. Smith
Lesley D. Smith
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CERTIFICATE OF SERVICE

In accordance with Rule 49(a), (b) and (d), Fed. R. Crim. P., and Rule 5(b), Fed. R. Civ. P., it is hereby CERTIFIED that on August 29, 2023 the foregoing motion was electronically delivered to all participants of the ECF filing system.

/s/ LESLEY D. SMITH
Lesley D. Smith